

THE HONOURABLE SRI JUSTICE V. ESWARAI AH

WRIT PETITION No.5988 OF 2006

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DATED: 24-03-2006

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BETWEEN

Basheer Begum,

D/o. Ima Mahiddin,

R/o. Plot No.68,

Pilakavanipalem presently

Called as Gurumurthi Reddy Nagar,

Madhuravada, Visakhapatnam

District and others.

...PETITIONERS

AND

The District Collector,

Revenue, Visakhapatnam District

and others.

...RESPONDENTS

ORDER:

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Petitioners seek a Writ of Mandamus to declare the action of the respondents in trying to demolish their houses constructed in their respective plots mentioned in house pattas given by the third respondent in his R.C.No.343/97/Spl/RI dated 12.01.1997 i.e. Plot Nos.68, 5, 6, 21, 48, 49, 50, 51, 52, 60, 61, 62, 63, 64, 65, 66, 67, 71, 72, 73, 74, 75, 76, 77, 85, 86, 87,

103, 104, 105, 106, 113, 114, 116, 122, 123, 124, 127, 128, 140, 141, 147 and 148 in S.No.304, Madhurawada, Chinagadili Mandal, Visakhapatnam Rural as illegal and arbitrary.

Learned counsel for the petitioners submits that each petitioner has been given patta in respect of the said plots admeasuring 60 yards of the size 18' x 30' within the specific boundaries and the petitioners have constructed houses as per the house pattas and they have not violated any of the provisions of the terms and conditions of the said pattas. While so, in the land, adjacent to the house sites allotted in favour of the petitioners in Sy.No.304, encroachments have been made occupying the Government land. The grievance of the petitioners is that instead of taking action against the encroachers against whom no patta has been granted, the respondents are threatening to dispossess the petitioners without following due process of law.

The learned counsel for the petitioners further submits that if any conditions of the pattas have been violated, it is always open for the respondents to issue notice and take action either under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 or any other enactment.

Having regard to the facts and circumstances of the case,
the respondents are directed not to demolish any portion of the houses of the petitioners and not to dispossess them without following due procedure prescribed in law.

The writ petition is accordingly disposed of.

V. ESWARAIAH, J

March 24, 2006

Note: Furnish C.C. of the order by 25.03.2006

(B/o)

DSK

